## PATENT COOPERATION TREATY

## **PCT**

## Translation INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference	1	<u> </u>						
R 43072	FOR FURTHER ACTION	See Form PCT/IPEA/416						
International application No.	International filing date (day/month/year)	Priority date (day/month/year)						
PCT/AT2004/000094	16.03.2004	18.03.2003						
International Patent Classification (IPC) or national classification and IPC								
Applicant COLOP STEMPELERZEUGUNG SKOPEK GESELLSCHAFT M.B.H. & CO. KG.								
	<ol> <li>This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</li> </ol>							
2. This REPORT consists of a total of	4 sheets, include	ding this cover sheet.						
3. This report is also accompanied by A	NNEXES, comprising:							
a. (sent to the applicant and	to the International Bureau) a total of	sheets, as follows:						
sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).								
sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.								
b. (sent to the International)	Bureau only) a total of (indicate type and nun	nber of electronic carrier(s))						
, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see								
Section 802 of the Administ	<u> </u>							
4. This report contains indications relati	ng to the following items:							
Box No. I Basis of the	report							
Box No. II Priority								
Box No. III Non-establi	shment of opinion with regard to novelty, inv	ventive step and industrial applicability						
Box No. IV Lack of uni	ty of invention							
DOXIO. V	Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement							
Box No. VI Certain doc	ruments cited							
Box No. VII Certain def	Box No. VII Certain defects in the international application							
Box No. VIII Certain observations on the international application								
Date of submission of the demand	Date of completion o	Date of completion of this report						
Name and mailing address of the IPEA/EP	Authorized officer							
Facsimile No.	Telephone No.							

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/AT2004/000094

Box	No. I		Basis of the report			
1.			to the language, this report is based on the internation der this item.	al application in the language in which it	was filed, unless otherwise	
	This report is based on translations from the original language into the following language which is the language of a translation furnished for the purposes of:					
			international search (Rule 12.3 and 23.1(b))			
			publication of the international application (Rule 12.4)			
			international preliminary examination (Rule 55.2 and/o	or 55.3)		
2.	recei	With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the ecciving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to his report):  the international application as originally filed/furnished the description:				
		pages			as originally filed/furnished	
		pages		received by this Authority on	, ,	
-	$\square$	pages		received by this Authority on	-	
	$\bowtie$	the cla				
		nos.	1-22		as originally filed/furnished	
		nos.*		as amended (together with a	ny statement) under Article 19	
		nos.*		received by this Authority on	<u> </u>	
		nos.*	·	received by this Authority on		
	$\boxtimes$	the dr	rawings:			
		sheets	s <u>1/8-8/8</u>		as originally filed/furnished	
		sheets	s*	received by this Authority on		
		sheets	s*	received by this Authority on		
		a seq	uence listing and/or any related table(s) – see Suppleme	ental Box Relating to Sequence Listing.		
3.		The a	mendments have resulted in the cancellation of:			
			the description, pages		····	
			the claims, nos.			
			the drawings, sheets/figs			
			the sequence listing (specify):			
			any table(s) related to sequence listing (specify):			
4.			report has been established as if (some of) the amenda have been considered to go beyond the disclosure as file			
			the description, pages			
		一				
			the drawings, sheets/figs			
			the sequence listing (specify):			
.	IC :-	ш .m. 4 -	any table(s) related to sequence listing (specify):  pplies, some or all of those sheets may be marked "supi	owneded "		
<u> </u>	1j 100	ын 4 иј	pues, some or an of mose sneets may be marked sup-	er seueu.		

International application No.
PCT/AT2004/000094

Box			ticle 35(2) with regard to novelty, inventive step or industrial applicability; poorting such statement	
1.	Statement			
	Novelty (N)	Claims	4-15, 19-22	YES
		Claims	1-3, 16-18	NO
	Inventive step (IS)	Claims	7-15, 19-22	YES
		Claims	1-6, 16-18	NO
	Industrial applicability (IA)	Claims	1-22	YES
		Claims		NO

2. Citations and explanations (Rule 70.7)

Reference is made to the following documents:

D1: US-A-5 517 916 (DOUR FREDERICK W ET AL)
21 May 1996 (1996-05-21)

D4: AT 383 993 B (SKOPEK KARL; SKOPEK KARL (00))

10 September 1987 (1987-09-10)

Document D1 discloses (the references between
parentheses refer to that document):

a self-inking stamp with downward inking comprising a housing (1), in which a stamping unit (24) which is provided with stamp characters (22) and is coupled to an actuating part (5) is arranged so as to be able to move, and also comprising a drawer (16a, 16b, 14a, 14b) with at least one insertion opening (18) for inserting an ink pad container (12), the underside of the drawer facing the stamping unit having an opening (see fig. 5) for inking the stamp characters when in an upwards, turned position by applying them to the ink pad (10) in the container, guiding and centring springs (14a, 14b) for the

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

ink pad container being provided on two opposite sides of the draw in the direction of insertion.

The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1 lacks novelty (PCT Article 33(2)).

- 2. The same reasoning applies to independent <u>claim</u>
  <u>16</u>. The subject matter of <u>claim 16</u> therefore does not involve an inventive step (PCT Article 33(3)).
- Dependent claims 2-6, 17 and 18 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step; see documents D1 and D5 (in particular figure 2) and the relevant passages of text cited in the search report.
- 4. Claim 7 is dependent on claim 1 and appears to meet the PCT requirements for novelty and inventive step. It is therefore proposed that a new claim 1 be drafted consisting of the features of claims 1 and 7.
- 5. Claim 19 is dependent on claim 16 and appears to meet the PCT requirements for novelty and inventive step. It is therefore proposed that a new claim be drafted consisting of the features of claims 16 and 19.